

REMARKS

Claims 1 to 13 are pending in the application.

Claim Rejections - 35 U.S.C. 112

Claims 1-13 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite.

In regard to claim 1, the examiner points out that the meaning of "closed ring" is not understood. The claim language has been changed in that "uninterrupted, continuous" has been introduced in place of "closed" to properly describe the ring. The drawing Fig. 2 shows in the middle a detail view of the sleeve 8 with upper end 9 and lower end 10. Also shown is the axial extension of the opening 7. This illustration clearly shows that the opening 7 is shorter than the axial length of the sleeve such that the opening stops at a distance from the upper edge and the lower edge, respectively. In fact, the drawing shows the axial extension of the upper and lower ends 9, 10. Therefore, the sleeve 8 has in cross-section an upper end and a lower end each in the form of a closed (uninterrupted, continuous) ring in contrast to the portion between the upper and lower ends that, in cross-section, would have a section cut out of the ring where the opening 7 is located.

In regard to claims 11 and 12, the examiner points out that the limitation of claim 1 "bit compartment extends in a direction of the longitudinal axis of the grip member" would no longer be accurate once the first and second ends are pivoted relative to one another. The language of claim 1 has therefore be corrected in that the longitudinal axis is now defined as that of the second end where the compartment is located.

Reconsideration and withdrawal of the rejection under 35 USC 112 are respectfully requested.

Rejection under 35 U.S.C. 102

Claims 1, 4, 9, 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Rowley (US 6,293,173)*.

Instant claim 1 defines a hand grip of a screwdriver having a grip member with a first end having a tool holder and a second end having a stationary core 4 with a round magazine 5 with bit compartments for storing bits. A closure device 6 that can rotate relative to the stationary round magazine is provided. The closure device 6 has a sleeve 8 with an upper end 9 and a lower end 10. The sleeve 8 is rotatably supported on the

- 7 -

7/8/04: Amd for Ser. No. 09/990,873 - Inventor(s): A. Casel - Filing Date: 11/16/2001

stationary core 4 and has an access opening 7 extending in the direction of the longitudinal axis and passing externally across the bit compartments when the sleeve is rotated relative to the stationary core. When the access opening 7 is aligned with one of the bit compartments 5a-5c, removal or insertion of the bits is possible. The sleeve 8 has a length in the direction of the longitudinal axis 33 such that the upper end 9 and the lower end 10 form a continuous, uninterrupted ring, respectively. This is clearly shown in Fig. 2

The cited prior art shows instead a sleeve 18 that is rotatable relative to a tool bit magazine 6 having a body 7 with recesses 8 in which the bits 9 are stored. Both the body 7 and the sleeve 18 are rotatable relative to the rest of the tool (see col. 2, lines 17 to 20). The sleeve 18 has an open-ended slot 21 (col. 2, lines 10 to 17; see Fig. 4) that is brought into alignment with one of the recesses 8 in order to remove bits 9 from the recesses 8.

Therefore, the cited prior art does not anticipate a stationary core provided with a bit magazine, and it does not anticipate or suggest the embodiment of the sleeve in such a way that the sleeve has an upper end and a lower end that form an uninterrupted, continuous ring, i.e., the slot or opening is not open-ended but closed at both ends.

Moreover, the arrangement of the recesses 8 and the sleeve 18 of the prior art does not allow for a different configuration of the slot within the sleeve since the sleeve covers only the upper half of the recesses; in order to be able to remove or insert a bit, the slot must be open ended. An uninterrupted continuous ring at the lower end of the slot would lock the bit within the recess or would block the insertion of a bit.

Therefore, claim 1 is neither anticipated nor obvious in view of *Rowlay*.

Rejection under 35 U.S.C. 103

Claims 3 and 10 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over *Rowlay* and *Leiser* (EP 0 312 775). Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Rowlay* (US 6,293,173) and *Huang* (US 5,927,162).

As pointed out above, claim 1 is not anticipated or obvious in view of *Rowlay*; therefore, the dependent claims should be allowable also since neither *Leiser* nor *Huang* shows a rotatable sleeve with removal slot.

ALLOWABLE SUBJECT MATTER

Claims 2, 5-8, and 12 would be allowable if rewritten to overcome the rejections

- 8 -

7/8/04: Amd for Ser. No. 09/990,873 - Inventor(s): A. Casel - Filing Date: 11/16/2001

under 35 USC 112, 2nd paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claim 2 has been amended to include the features of claim 1 and should thus be allowable.

Claim 5 has been amended by incorporating therein the features of claim 1 and and should thus be allowable together with dependent claims 6-8.

Claim 12 has been amended by incorporating therein the features of claims 1 and 11 and should thus be allowable.

The number of independent claims is now four; please charge the fee of \$43.00 required for one independent claim in excess of three to Patent and Trademark Office deposit account 50-1199.

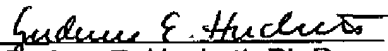
CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on July 8, 2004,


Ms. Gudrun E. Huckett, Ph.D.
Patent Agent, Registration No. 35,747
Lönsstr. 53
42289 Wuppertal
GERMANY
Telephone: +49-202-257-0371
Facsimile: +49-202-257-0372
gudrun.draudt@t-online.de

GEH

- 9 -

7/8/04: Amd for Ser. No. 09/990,873 - Inventor(s): A. Casel - Filing Date: 11/16/2001